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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,780	06/01/2007	Yury Mikhailovich Rogovsky	P31,709 USA	5085

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FOX ROTHSCHILD LLP  
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PHILADELPHIA, PA 19103

EXAMINER
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REGIS, DEON K

ART UNIT	PAPER NUMBER
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4151

MAIL DATE	DELIVERY MODE
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05/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/583,780

**Applicant(s)**ROGOVSKY, YURY  
MIKHAILOVICH**Examiner**

DEON REGIS

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 states:” a stomatological tip as claimed in claim 1, wherein the outer surface of said socket and the outer surface of said portion of said head extending from said socket form conjointly a **solid of revolution**”. The examiner is unclear as to what is meant by “a solid of revolution”. The examiner’s preliminary interpretation of what is meant by the claim is that the outer surface of the socket and the outer surface of the portion of the head extending from said socket rotate as one unit. Action is required. Please amend and clarify.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al (USPN 6270345) further view of Fleer et al. (USPN 4874314)

4. Regarding Claim 1 Abbott teaches A stomatological tip comprising a head( Fig. 1, [104] ) accommodating a turbine(motor) (Col.5, lines 1-5) with a means for holding a stomatological instrument(Fig. 1, [160]3) and at least one hole for gas admission to said turbine(Fig. 2, [201]), a tip body having a socket for said head to receive, a gas admission duct communicating with a gas supply line(fig. 2 , [108]), said socket for said hole being capable of providing a complete revolution of said head and, CHARACTERIZED in that said tip is furnished with a valve, an intermediate duct provided in said head, an additional duct provided in said tip body(Fig. 2, [201]) and having its outlet communicating with the inlet of said intermediate duct(fig. 2, [205]), said hollow space communicating with the outlet of said intermediate duct(Fig. 2, [203]), said gas supply line being adapted for communicating(Fig. 1, [108], via said valve(Col. 4, lines 49-52). , with the inlet of said additional duct(Col. 4, lines 57-64), and said outlet of said additional duct and said inlet of said intermediate duct communicate with each other via a groove(annular recess) (Fig. 2, [203], with said head assuming any position while rotating, said groove is made

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on the inner surface of said socket for said head, or on the outer surface of that portion of said head which is disposed inside said socket(Fig. 2) (Col. 7, lines18-19)

5. Abbot fails to disclose a collet holder that engages a tip via and controls said engagement via a push button.

6. In a similar field of invention of rotary dental sockets that hold tools, Fleer discloses a push button that controls and locks a bit in place.

7. Further regarding claim 1, Fleer teaches a collet holder (Fig. 2-5, [100]) having a control push-button , said collet holder has its clamping blades accommodated inside said head and said control push-button is accommodated inside said head so as to perform reciprocating motion and have effect on said clamping blades of said collet holder, said control push-button has a surface to be pushed down and a surface for said clamping blades of said collet holder to open, and a hollow space is established, confined between the inner surface of said head and said push-down surface of said control push-button (Col. 8, lines 15-21).

8. It would have been obvious to one of ordinary skill in the art at the time of invention, to combine the stomatological tip holder of Abbott, with the push-button means of holding the dental tool in place taught by Fleer, for the benefit of being able to remove the tool with a low exertion of force while holding the tool with high retaining forces (Fleer Col. 2, lines 19-21).

9. Regarding Claim 3, the art combination remains as applied above, and Fleer further teaches wherein the outer surface of said socket and the outer surface of said portion of said head(ram) extending from said socket form conjointly a solid of revolution. (Col. 6, lines 47-48)

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10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al (USPN 6270345) in view of Fleer et al. (USPN 4874314) as applied to claim 1 above, and further in view of Aumuller et al. (US Pub 2003/0215768).

11. Regarding Claim 2, the combination does not teach the hole for gas admission to turbine appears as a nozzle.

12. In a similar field of endeavor of rotary dental tools, Aumuller teaches wherein said hole for gas admission to the turbine appears as a nozzle (Fig. 3 and 4, [52]) (paragraph [0026]) Regarding Claim 2, it would have been obvious at the time of invention to add the nozzle of Aumuller to the aforementioned combination, for the benefit of being able to accelerate the flow of the air entering the turbine.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott et al (USPN 6270345) in view of Fleer et al. (USPN 4874314) as applied to claim 1 above, and further in view of Seney (USPN 5275558).

14. Regarding Claim 4, the combination teaches a stomatological tip as claimed in claim 1, wherein said valve is accommodated inside said longitudinal body but fails to disclose that the valve is provided with a washer and a knob. In a similar field of endeavor of rotary dental tools, Seney teaches a valve with a washer (stationary seal disc) (Fig. 6, [18]) and a knob (Fig. 6, [48]).

15. Regarding Claim 4, it would have been obvious at the time of invention to add the valve with a washer and a knob to the aforementioned combination, for the benefit of being able to control the flow of the air entering the turbine (Col. 6, lines 46 -60)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEON REGIS whose telephone number is (571)270-7731. The examiner can normally be reached on Monday- Thursday 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ortiz Angela can be reached on (571) 272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEON REGIS/  
Examiner, Art Unit 4151

***/Angela Ortiz/  
Supervisory Patent Examiner, Art Unit 4151***